

REMARKS

Reconsideration is respectfully requested.

Claims 15, 17, 25 and 26 are amended herein. Claims 16 and 18 are canceled. The remaining claims are not amended.

Withdrawn claims 1-14 are canceled.

Claims 23 and 24 are withdrawn, but in view of the arguments below for the allowability of claim 15, it is respectfully submitted that claims 23 and 24 should be given consideration, since claim 15 was indicated to be generic.

The Office Action includes an objection to the abstract. The Abstract is amended herein with attention to the points noted by the Examiner.

The Office Action objects to the title. In reply, the title is amended. We thank the Examiner for suggesting a title, which has been adopted, with slight modification.

Claims 20, 25, 26 and 27 are objected to as being multiple dependent claims that depend on another multiple dependent claim. Amendments are made herein to claims 25 and 26 to address this issue. With regard to claim 20, it depended only on claims 15 and 19, and neither of claims 15 or 19 is multiple dependent, so it is believed that claim 20 should have been examined on the merits.

Claims 15-19, 21 and 22 rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner considers that the terms "moist" and "close-packed" are not sufficiently definite. Applicant amends claim 15 herein to address these objections. Regarding "moist", claim 15 is amended to recite that the atmosphere is 50% or higher humidity, which is supported by the specification at page 22, lines 4 and 5, for example. Regarding "close-packed", the amendment to claim 15 replaces this term with "packed".

The Examiner objected to "if required" in claim 16, so this is amended to instead be "optionally", and, is incorporated into claim 15, as claim 16 has been incorporated therein.

In claim 17, the Examiner objects to the "and/or" language, so the amendment replaces this with "or".

Claims 15-19, 21 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP2001-157574 A combined with Widawski et al (Nature, Vol. 369, 2 June 1994, pages 387-389).

Applicants respectfully traverse.

Applicants obtained a translation of JP2001-157574 (hereinafter, Publication 1) from the JPO website, copy attached for reference.

Publication 1 recites in claim 1 a "honeycomb structure obtained by casting a hydrophobic organic solvent solution of a polymer comprising 50 to 99 w/w% of a biodegradable polymer and

50 to 1 w/w% of an amphipathic polymer on a substrate in the atmosphere having a relative humidity of 50 to 90%, letting said organic solvent evaporate off gradually and at the same time forming dew on the surface of said casting liquid, and evaporating minute droplets resulting from said dew condensation".

At paragraph [0010], Publication 1 describes that for the biodegradable polymer here, for instance, use is preferably made of a biodegradable aliphatic polyester such as polylactic acid, polyhydroxy butyric acid, polycaprolactone, polyethylene adipate and polybutylene adipate; and an aliphatic polycarbonate such as polybutylene carbonate and polyethylene carbonate in view of solubility in organic solvents. Of these, preference is given to polylactic acid, and polycaprolactone because of availability and cost.

However, there is nothing said about using a poly(meth)acrylate as the biodegradable polymer.

Further, at paragraph [0007], Publication 1 describes that not until now is there any honeycomb structure-providing biodegradable material that can maintain its own structure for the time required for cell culture and can break down in a longer time than that. In other words, it is a requirement to use a biodegradable material in applying the honeycomb structure, in combination with cell engineering and cell culture technology, to such medical purposes as artificial organs.

However, polystyrene is in no sense a biodegradable material (polymer); so it would have been excluded from the invention set forth in Publication 1, and more specifically is taught away from by Publication 1.

Further, Widawski, Nature, Vol. 369, 2 June 1994, pp 387-38911 (hereinafter called Publication 2 for short) describes that there is a honeycomb structure obtained in which a porous honeycomb structure comprising polystyrene is peeled off by an adhesive tape thereby obtaining a honeycomb structure having minute projections lined up on the releasing surface.

However, since Publication 1 says nothing about the poly(meth)acrylate and polystyrene used as the polymer when the honeycomb structure is obtained in the invention as recited in the claim after amendment, the invention of this application after amendment would not be taught or suggested by Publication 1 or Publication 2, whether considered alone or when combined.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing or that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending,

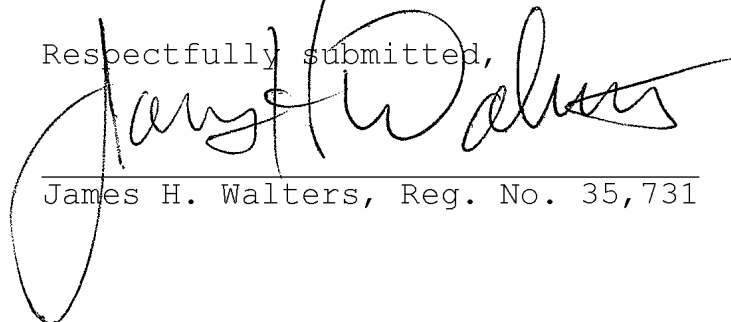
Appl. No. 10/536,589

Amdt. dated September 25, 2008

Reply to Notice of Non-Compliant Amendment mailed September 22, 2008 and
Office action of February 15, 2008

please charge deposit account 503036. If fee refund is owed,
please refund to deposit account 503036.

Respectfully submitted,



James H. Walters, Reg. No. 35,731

Customer number 802

patenttm.us

P.O. Box 82788

Portland, Oregon 97282-0788 US

(503) 224-0115

DOCKET: T-1456

Certification of Electronic Transmission

I hereby certify that this correspondence is being
electronically transmitted to the Patent and Trademark Office via the
EFS system on this September 25, 2008.

